

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eddie K. James,

Civ. No. 23-572 (PAM/ECW)

Petitioner,

v.

MEMORANDUM AND ORDER

Jesse Pugh,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Elizabeth Cowan Wright dated May 1, 2023. (Docket No. 6.) The R&R recommends that Petitioner Eddie K. James’s Petition for a Writ of Habeas Corpus be denied as untimely. James did not file any objections to the R&R, and the time to do so has expired. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 6) is **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus (Docket No. 1) is **DENIED** as untimely;

3. The Application to Proceed in District Court without Prepaying Fees or Costs (Docket No. 5) is **DENIED as moot**;
4. No Certificate of Appealability shall issue; and
5. This matter is **DISMISSED with prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 31, 2023

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge